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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,073	06/07/2002	Theodorus Lambertus Hocks	08CS5682-1	3895
23413	7590	09/01/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			RAJGURU, UMAKANT K	
			ART UNIT	PAPER NUMBER

1711

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/064,073

Applicant(s)

HOEKS ET AL

Examiner

Umakant K. Rajguru

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. A response has been filed on May 18, 2004.
2. Claims under examination are still 1-22.
3. Rejection of claims 3, 4 and 8-10 (see item 2 of prior Office action of March, 2004) and objection to the claims 7, 14 and 15 (see item 3 of same Office action) are withdrawn now.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-5, 7-10, 12, 14-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,745,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,605).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,735,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,655) as applied to claim 1 above, and further in view of Boyd et al (US 6,518,347).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,735,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,655) as applied to claim 1 above, and further in view of Chiba et al (US 6,174,944).

Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,735,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,655) as applied to claims 1 and 16 respectively above, and further in view of McElveen (US 4,154,692).

Please refer to the same Office action of March 10, 2004 for these rejections.

6. Applicant's arguments filed May 18, 2004 have been fully considered but they are not persuasive.

Applicants' statement (on page 11 of above response) that "the flame retardation of polycarbonate compositions and more broadly plastic compositions is not in the same field of endeavor as the flame retardation of buffing wheel and sidings" is not persuasive. Examiner is of the opinion that it is immaterial, in which field the flame retardation is used or achieved. After all, what is to be noted and is important is flame retardation.

Applicants' argument on page 12 that there is no motivation to combine references is not persuasive. Examiner has already set forth the motivation in the earlier Office action.

Applicants' next arguments against the rejection of claims 6, 11, 13 and 18 are also not persuasive for above reasons.

Applicants' comment about item 9 of the said Office action is not persuasive. It is true that instant claims are drawn to a process in which the only step is that of mixing. This step is very common and does not carry any patentably distinguishing characteristics from claims drawn to a composition.

Applicants have reproduced results in Table 1 on page 16 in this response.

These results do not establish the nonobviousness of instant claims over cited prior art.

*out* There is <sup>a</sup>~~no~~ possibility that composition of prior art will possess some or similar characteristics.

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is (571) 272-1077. The examiner can generally be reached on Monday-Friday 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application is assigned is 703-872-9306.

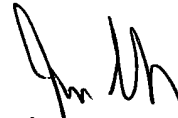
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



U.K. Rajguru/dh  
August 16, 2004



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700